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beads, copper and other trinkets, and tobacco were most in demand, but gradually the skin clothing of the people was replaced by European garments, the implements and weapons made by smithing were superseded by imported metal goods, firearms and ammunition, the clay pots and wooden utensils to a large extent by the iron pots and tin mugs of the trader. In all these respects the great majority of the surviving Hottentots have adopted elements of European culture, to a more or less considerable extent. In a number of cases they have also acquired wagons and horses, and the range of their household possessions has been extended to include tables, chairs, and rough wooden beds. Their mode of life has also altered. The majority of Hottentots now live as servants in the employ of Europeans, others have taken to agriculture in a small, and on the whole insignificant, way. Even the remainder, who still lead a purely pastoral life, as a rule have very few cattle, while most of their handicrafts have suffered and some have completely disappeared. The wares of European culture are now to be seen in every Hottentot hut. Only the latter still survives relatively unmodified, save where occasionally old sacking has replaced the far more attractive reed mats.

Property and Inheritance

Property

Several writers, in discussing the economic life of the Hottentots, have applied the term "communism" in a rather loose manner to the way in which goods are used by this people.[1] The concrete facts they themselves record show that this term is inaccurate. Communism, in the sense of all men having equal, free, and unconditional access to all goods and privileges, does not exist among the Hottentots. The only thing perhaps which may rightly be spoken of as communal property is the land, for all members of the tribe enjoy equal customary rights with regard to it. But even here, we have seen, there are limitations to the unconditional exploitation of the land and its resources, and recognition is given to certain individual and family rights.

'All other forms of property—huts, live stock, weapons, utensils and other objects of common use—are privately owned. This is emphasized by Kohler's informant, von Burgsdorff, who says that although an apparently pure communism is observable in the life of the Naman, actually this is not found. Everybody has his own property, which he seeks to increase and improve, and, preferably

[1] E.g. von François, *Nama und Damara*, 222.

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●421 unobserved by others, to use for himself.[1] And the various ways of acquiring cattle, as well as the internal trade which we have noted, all point clearly to the existence of private property rights. These [685] rights, moreover, are adequately protected. Theft, the furtive or forcible removal of goods belonging to another, is regarded as a serious offence, punishable by severe fines and ostracism, even by [426] flogging, while an incorrigible thief would formerly be killed.[2] The payment of debts, again, is an obligation of honour. If a man is unable to satisfy his creditors, a trustee is appointed to take over and divide his assets among them. He is allowed to keep a few goats and cows, whose milk he may use for the maintenance of himself and his family, but he may not slaughter these animals, for he is regarded as holding them in trust for the creditors.[3]

577 With all this strict regard for private property rights, greed is far from being a characteristic of the Hottentots. They not only share to 574 the utmost with their fellows, but are also very hospitable to strangers, traits favourably commented upon by many observers.[4] A man in possession of food shares, and is expected to share, it freely with others, and greediness in this respect renders him an object of public scorn.[5] Objects of common use are also readily given away temporarily, [685] and in the majority of cases even permanently. To take a goat from a man's herds for food, even in his absence or without his permission, is not unlawful, provided he is informed of the deed; on the other hand the taking of an animal in order to sell it is prohibited. This hospitality is a general custom arising out of the conditions of the country, where for long distances food is unobtainable, and it is based on the idea of reciprocity. No Hottentot need leave a stranger's hut

[1] "Das Recht der Hottentotten," 349.

[2] Kolb, op. cit., 136–7; Schultze, op. cit., 318; Wandres, "Ueber Rechtsbewusstsein der Naman," 273; *Report on the Natives of S.W.A.*, 74.

[3] *Report on the Natives of S.W.A.*, 76; Kohler, op. cit., 351–2.

[4] Cf. Kolb, op. cit., 135; Tindall, *Great Namaqualand*, 40; Wikar, op. cit., 134; Hahn, "Die Nama-Hottentotten," 305; von François, op. cit., 222; Schultze, op. cit., 318; *Report on the Natives of S.W.A.*, 77.

[5] An extremely interesting statement of this principle is seen in the following entry made in his diary by Hendrik Witbooi, the famous chief of the //Hobesen :—

"Agreement dated 9th January, 1893:

"The agreement which I make with Francois Daniel Vlocis and with anyone who hires a farm from me is as follows:

"1. I charge him £12 per annum.

"2. If he follows his own customs on the farm and if he is unfriendly to the poor people and does not give them a bite when they come to him then I charge him £24 per annum.

"3. If strangers come to his farm and he is not hospitable to them but makes them pay for water and pasture, be they white, red, or black, then I charge him £36 per annum."

This document is signed by Hendrik Witbooi and witnessed by eight of his councillors. (Quoted by Kreft, "The Diary of Hendrik Witbooi," *J. S.W. Afri. Sci. Soc.*, ii (1926–7), 57–8.)

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or camp hungry, especially if of the same tribe; he is welcome, even in the owner's absence, to help himself to whatever there is.

It is customs such as these which have given rise to the use of the term "communism" in regard to the property laws of the Hottentots. It should by now be evident, however, that underlying the undoubtedly far-reaching liberality of the people there is always a clear recognition of private property rights. The Hottentot shares his food with others because he has the right to dispose of it, not because they have an equally legitimate claim to it; and this applies still more to live stock and objects of material culture.

This point is borne out by the special reciprocal relationship, *soregus*, to which reference has already been made.[1] This relationship, also known as *magus*, to give one another, must be ceremonially entered upon between the two persons concerned, and implies, as we have seen, mutual obligation and assistance in all aspects of life—they may refuse each other nothing. In practice this applies especially to property, where each may demand or take from the other whatever he pleases, and may not be refused.

Tindall gives a description of this custom which illustrates rather drastically its full implications in regard to property.[2] "It is usual among them [the Naman] to carry on a kind of 'maatschappy' or partnership. Two men, living perhaps three or four hundred miles apart, 'make mates,' the understanding is that each may take from the other whatever he pleases. They profess to believe that this is a very profitable kind of arrangement, and it is difficult to persuade them of the contrary. The following instance will illustrate the extent to which this 'magu' or 'give-each-other' system proceeds. A poor man at Nisbet Bath, had, by diligence, obtained a horse and gun, he had a good hat, a very decent suit of clothes, a warm overcoat, and his wife had a tolerably respectable wardrobe. One fine morning a mate, with whom he had in an evil hour entered into partnership, turned up from the borders of Damaraland, and claimed as his right, horse, gun, hat, clothes, coat, and all his wife's apparel, except her undress, and with these he departed with true native sang froid, leaving the other his tattered garments and riddled hat, which had been so repeatedly patched, that it was almost impossible to discern the original stuff. The probable sequel to this affair would be that the man would return his mate's visit, who would either manage to avoid

[1] Cf. Schultze, op. cit., 318–19; Wanderer, "Ueber das Recht der Nama," 62a.
[2] Op. cit., 40–1.

[see cat. 116, p. 243.—Analyst]

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ceremonially initiated between two special individuals is sufficient argument against the existence of communism among the Hottentots.

Somewhat akin to the *soregus*, from the economic point of view, is the *//nuri //gab*, the exchange of goods between a man and his sister's son. Here, however, as we have seen, the material advantages are all in favour of the nephew. This economic relationship is based directly on a kinship status, and therefore allows us to see the exchange of goods in a wider social setting, as part of a general pattern of behaviour. The privileged position of the nephew in regard to his mother's brother is due to the respect a man must show towards his sister; and the uneven economic reciprocity between the two former can be regarded as one means of expressing the nature of the ties connecting them. Here again this relationship, with the special rights of exploitation it confers in regard to property, is an argument against the existence of communism.

It is hardly necessary to stress any further the fact that the economic life of the Hottentots is really based upon the notion of private property. The problem now arises whether property belongs to the individual or to the family as a whole. Wandres categorically states that an individual owns nothing but his *oms*, soul or breath. All objects of common use—clothes, weapons, implements, and utensils—as well as the hut and the live stock are the collective property of the family. The individual has only the usufruct of, e.g. his clothes and his weapons, and has not the right to dispose of them or of anything else without the consent or knowledge of the rest of the family.[1] Vedder repeats this assertion in terms that are somewhat confusing: "Generally speaking we may say that the individual possesses nothing but is the usufructuary of what the family possesses. This even includes clothes and things for daily use. Under personal property one understands the possession of cattle. A child even may receive one or more goats from his father and he uses their milk. He has the right to milk such goats without permission, and their progeny are his property. Where natural conditions make it possible every person—man, wife, child—possesses a few goats, sheep or even cattle. When these are to be sold it becomes manifest that this personal property continues to be regarded as family property, because in such cases the whole family and not the individual decides whether there should be a sale or not."[2]

1 "Ueber das Recht der Namas," 682–3.
2 "The Nama," 144.

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421 These statements imply that a distinction must be made between usufruct on the one hand and rights of disposal on the other. There is no doubt that individuals may have the exclusive usufruct of certain objects. This is evident from Vedder's statement about live stock, and almost certainly applies also to objects of personal use, such as clothing and weapons. It is clear also, from facts previously noted, that property such as live stock may be acquired by individuals through their own efforts, as well as by inheritance. We thus get the situation that individuals can acquire objects and have the sole right to use them, but apparently cannot dispose of them freely. The customs of *soregus* and *//nuri //gab* are difficult to reconcile with this latter condition, and so too is the fact, which Wandres himself mentions, that an individual can during his lifetime specify how his possessions are to be distributed after his death. But, assuming that there is some measure of truth in the statement that family control is exercised, the question that must be answered is whether this control implies a complete negation of individual ownership. The Hottentot conception of ownership has unfortunately nowhere been clearly defined, and in an argument which is essentially one of native conceptions it is obviously dangerous to apply European legal concepts. But there seems no good reason why the usufruct enjoyed by an individual should not be regarded as a form of ownership, since these rights appear to be vested exclusively in him. The control of the family over the disposal of these objects can equally well be regarded as designed to guard against their reckless dispersal, and hence its own impoverishment, and in no way interferes with the actual rights of possession enjoyed by the individual.

In this connection it may be noted that Wandres mentions also that the chief has as little property as any other man, but has at the same time the rights of a guardian over the property of the individual families. It is his duty to see that his subjects do not dissipate or otherwise squander the family properties making up the wealth of the tribe.[1] In what way he does this Wandres does not specify, and the statement is not confirmed by other observers.

Inheritance

428 The customary rules of inheritance, by which a dead man's goods are distributed among his heirs, also indicate the existence of individual property rights. Unfortunately not even a single concrete example of

[1] Op. cit., 685.

681 cuts with a stick until ultimately, in the olden days, the death
[685] sentence was decided upon. At the present time, the matter is then referred to the law-courts. In the case of corporal punishment the sentence was usually based on the principle of: Eye for an eye and tooth for a tooth—unless the parties
[682 agreed upon another form of indemnity. Murder, high
687 treason, attempted murder of the chief and incest were always
684 punished with death according to the deposition of the old people. For the execution of corporal punishment a bailiff was appointed and fines were collected by the magistrate.

673 6. Generally they regard disrespectful behaviour towards the old, murder, homicide, bodily injury, theft, illegitimate impregnation and treason as punishable offences.

Lies and perjury are also deemed improper, but are not
[835] subject to legal punishment. In the same way adultery is not punishable. Incest becomes a case for the law only when the father refuses to be responsible for the sustenance of the child during its first years, namely, the time when it needs
[388] the nursing of the mother. As soon as the child is five years of age, the father takes it and the payments, which as a rule were in cattle and to-day are in money, cease.

It cannot, however, be said that these forms are valid everywhere where there are still unbroken Nama tribes ruled by a chief; and although they still know their old laws, they do not avail themselves of them in every case.

421 7. The proprietary rights of the old Nama were not extensive, and those of the present generation are still more limited as a result of the fact that they hardly possess any lands. Generally speaking we may say that the individual possesses nothing but is the usufructuary of what the family possesses. This even includes clothes and things for daily use.

422 Under personal property one understands the possession of cattle. A child even may receive one or more goats from his father and he uses their milk. He has the right to milk such goats without permission and their progeny are his property. Where natural conditions make it possible every person—man, wife, child—possess a few goats, sheep or even cattle. When these are to be sold it becomes manifest that this personal property continues to be regarded as family property, because in such cases, the whole family and not the individual decides whether there should be a sale or not.

423 The land or their tribal territory can under no circumstances become the property of an individual, neither is it the property of the chief. He has not got the right to dispose of or to give away anything of the territory which, in all respects, is regarded as common tribal property, unless the money received be divided amongst the families of the tribe, after they have consented to such a sale. The boundaries of a tribal territory, however, are not fixed. All lands and grounds where members of a tribe have previously grazed